

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN H. TODD,

Defendant.

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8:16MJ273

ORDER

This matter is before the court on the oral motion of counsel for defendant John H. Todd (Todd) for a mental competency examination and psychiatric evaluation to determine the mental competency of Todd. The motion was made during Todd's initial appearance on August 24, 2016. The motion was supported by the court taking judicial notice of the Complaint (Filing No. 1) and the Pretrial Services Report (Filing No. 7). The United States was represented by Assistant U.S. Attorney Frederick D. Franklin who had no objection to the motion. I find there is a basis to question the competency of Todd to stand trial in this matter. The request for a mental competency examination and psychiatric evaluation will be granted.

IT IS ORDERED:

1. Defendant Todd's motion for a mental competency examination and psychiatric evaluation is granted.

2. Pursuant to 18 U.S.C. § 4241, Todd is committed to the custody of the Attorney General for placement in a suitable medical facility to be examined for a reasonable period of time, not to exceed thirty (30) days, to determine whether Todd is suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

3. A psychiatric or psychological report shall be filed with the court with copies provided to counsel of record at the completion of the period of examination.

4. Upon receipt by the court and counsel of the examination report, a hearing pursuant to 18 U.S.C. § 4247(d) shall be promptly scheduled to determine the competency of Todd to stand trial in this matter.

IT IS SO ORDERED.

DATED this 24th day of August, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge